

Calendar No. 23

108TH CONGRESS
1ST SESSION

H. R. 534

IN THE SENATE OF THE UNITED STATES

FEBRUARY 27, 2003

Received and read the first time

MARCH 3, 2003

Read the second time and placed on the calendar

AN ACT

To amend title 18, United States Code, to prohibit human
cloning.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Human Cloning Prohi-
3 bition Act of 2003”.

4 **SEC. 2. PROHIBITION ON HUMAN CLONING.**

5 (a) IN GENERAL.—Title 18, United States Code, is
6 amended by inserting after chapter 15, the following:

7 **“CHAPTER 16—HUMAN CLONING**

“Sec.

“301. Definitions.

“302. Prohibition on human cloning.

8 **“§ 301. Definitions**

9 “In this chapter:

10 “(1) HUMAN CLONING.—The term ‘human
11 cloning’ means human asexual reproduction, accom-
12 plished by introducing nuclear material from one or
13 more human somatic cells into a fertilized or
14 unfertilized oocyte whose nuclear material has been
15 removed or inactivated so as to produce a living or-
16 ganism (at any stage of development) that is geneti-
17 cally virtually identical to an existing or previously
18 existing human organism.

19 “(2) ASEXUAL REPRODUCTION.—The term
20 ‘asexual reproduction’ means reproduction not initi-
21 ated by the union of oocyte and sperm.

22 “(3) SOMATIC CELL.—The term ‘somatic cell’
23 means a diploid cell (having a complete set of chro-

1 mosomes) obtained or derived from a living or de-
2 ceased human body at any stage of development.

3 **“§ 302. Prohibition on human cloning**

4 “(a) IN GENERAL.—It shall be unlawful for any per-
5 son or entity, public or private, in or affecting interstate
6 commerce, knowingly—

7 “(1) to perform or attempt to perform human
8 cloning;

9 “(2) to participate in an attempt to perform
10 human cloning; or

11 “(3) to ship or receive for any purpose an em-
12 bryo produced by human cloning or any product de-
13 rived from such embryo.

14 “(b) IMPORTATION.—It shall be unlawful for any per-
15 son or entity, public or private, knowingly to import for
16 any purpose an embryo produced by human cloning or any
17 product derived from such embryo.

18 “(c) PENALTIES.—

19 “(1) CRIMINAL PENALTY.—Any person or enti-
20 ty that violates this section shall be fined under this
21 title or imprisoned not more than 10 years, or both.

22 “(2) CIVIL PENALTY.—Any person or entity
23 that violates any provision of this section shall be
24 subject to, in the case of a violation that involves the
25 derivation of a pecuniary gain, a civil penalty of not

1 less than \$1,000,000 and not more than an amount
 2 equal to the amount of the gross gain multiplied by
 3 2, if that amount is greater than \$1,000,000.

4 “(d) SCIENTIFIC RESEARCH.—Nothing in this sec-
 5 tion restricts areas of scientific research not specifically
 6 prohibited by this section, including research in the use
 7 of nuclear transfer or other cloning techniques to produce
 8 molecules, DNA, cells other than human embryos, tissues,
 9 organs, plants, or animals other than humans.”.

10 (b) CLERICAL AMENDMENT.—The table of chapters
 11 for part I of title 18, United States Code, is amended by
 12 inserting after the item relating to chapter 15 the fol-
 13 lowing:

“16. Human Cloning 301”.

14 **SEC. 3. STUDY BY THE GENERAL ACCOUNTING OFFICE.**

15 (a) IN GENERAL.—The General Accounting Office
 16 after consultation with the National Academy of Sciences
 17 shall conduct a study to assess the need (if any) for
 18 amendment of the prohibition on human cloning, as de-
 19 fined in section 301 of title 18, United States Code, as
 20 added by this Act, which study should include—

21 (1) a discussion of new developments in medical
 22 technology concerning human cloning and somatic
 23 cell nuclear transfer, the need (if any) for somatic
 24 cell nuclear transfer to produce medical advances,
 25 current public attitudes and prevailing ethical views

1 concerning the use of somatic cell nuclear transfer,
2 and potential legal implications of research in so-
3 matic cell nuclear transfer; and

4 (2) a review of any technological developments
5 that may require that technical changes be made to
6 section 2 of this Act.

7 (b) REPORT.—The General Accounting Office shall
8 transmit to the Congress, within 2 years after the date
9 of enactment of this Act, a report containing the findings
10 and conclusions of its study, together with recommenda-
11 tions for any legislation or administrative actions which
12 in considers appropriate.

 Passed the House of Representatives February 27,
2003.

Attest:

JEFF TRANDAHL,
Clerk.

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